SBCivil Writ Petition No.5360/2003

Babulal
Vs.
State of Rajasthan & Anr.

Date of Order :: 27th October, 2006

HON'BLE MR.JUSTICE GOVIND MATHUR

Mr. Amit Dave, for the petitioner.
Mr. B.L.Tiwari, Dy.Govt.Advocate.

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The petitioner was employed with the respondents as Farrash at Circuit House, Jaisalmer on daily rate basis in the year 1986. The Government of Rajasthan issued a circular dated 16.1.1991 to regularise services of Class-IV employees working on adhoc basis if they fulfil the eligibility required to hold the post. The petitioner by way of filing a writ petition (SBCWP No.2433/92) claimed for regularisation of his services in accordance with the notification dated 16.1.1991 declaring himself to be being a person having qualification upto 5th standard.

This Court by order dated 21.1.1997 accepted the writ petition preferred by the petitioner by directing the respondents to consider his candidature for regularisation in service by taking into consideration the qualification possessed by him, accordingly the respondents considered candidature of the petitioner and during the process aforesaid it was

found that the document placed on record by the petitioner to fortify the statement of qualification upto 5th standard was not genuine, hence, the regularisation in service as claimed by the petitioner was denied by the respondents. Thus this petition for writ is preferred.

A reply to the writ petition is filed stating therein that competent officers of the respondent Department from school record verified that the petitioner never acquired qualification as claimed and the document submitted by him to support the claim of his qualification was found forged.

This Court by an order dated 16.5.2006 directed the respondents to produce the record of the school concerned. In pursuant thereto a scholar register of the Government Upper Primary School, Bhinyad, District Barmer for the years 1971 to 13.10.1979 is produced by the respondents before the Court on 14.9.2006. On that day after perusing the record it was found that name of the petitioner was not available in the scholar register. The matter was then adjourned for 11.10.2006. On 11.10.2006 also the scholar register as well as the register issuing transfer certificates by the school concerned was thoroughly examined. In record there was no reference of the petitioner. To ascertain the fact stated in the petition with regard to qualification upto 5th standard

from the Government Upper Primary School, Bhinyad, District Barmer, a direction was given to the petitioner to remain present before the Court on 13.10.2006. On 13.10.2006 for certain unavoidable circumstances the petitioner failed to appear before the Court.

The matter today came up before the Court for further hearing. The petitioner is also present in Court. The entire record, reference of which has already been given, is also seen again. In entire record name of the petitioner does not appear. I personally asked the petitioner to mention the names of co-students but he failed to answer. On the contrary he stated that he was working as Cook at the residence of the Head Master of the School concerned.

In totality of the facts and circumstances of the case, specially after perusing the record and asking the petitioner about the names of co-students, I am convinced that the petitioner never remained regular student of the Government Upper Primary School, Bhinyad, District Barmer. The transfer certificate submitted by the petitioner to substantiate that he possessed qualification upto 5th standard is apparently fake.

In view of it, I do not find any error in the order passed by the respondents denying regularisation

to the petitioner in service and also discontinuing him from service.

Accordingly, this petition for writ is dismissed with no order to costs.

(GOVIND MATHUR),J.

kkm/ps.